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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 STEVEN PAUL KOZOL,

11 Plaintiff,

12 v.

13 CLINT MAY et al.

14 Defendants.

CASE NO. C11-5200-RBL-JRC

ORDER STAYING ACTION AND
DIRECTING PLAINTIFF TO FILE
MISSING PLEADINGS

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16 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned
17 Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate
18 Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion asking the court to
19 vacate his motion to proceed in forma pauperis and asking that no further funds be
20 collected (ECF No. 15). In that pleading plaintiff states that he has filed a motion to
21 dismiss the action pursuant to Fed. R. Civ. P. 41 (a) (2).

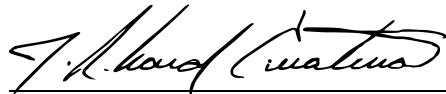
22 Defendants have responded and indicate they were served with a motion to
23 dismiss the action without prejudice on August 17, 2011 (ECF No. 16). Defendants note
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1 that the court has yet to acknowledge the filing. The court record does not show a motion
2 to dismiss having been filed.

3 Further, this court is not aware of any authority for the proposition that the
4 requirement to repay the filing fee imposed under the Prison Litigation Reform Act can
5 be waived once in forma pauperis status has been granted.

6 The court orders this action stayed. No action will be taken on plaintiff's motion
7 to vacate the in forma pauperis order at this time. Plaintiff is directed to file either a
8 motion to dismiss or motion to lift the stay. Plaintiff should also provide the court with
9 any authority he has for the proposition that the requirement for repayment of the filing
10 fee can be waived for an inmate. Plaintiff will have until **November 18, 2011** to file his
11 pleadings. The stay will lift at that time if no action has been taken.
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13 Dated this 3rd day of October, 2011.

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15 J. Richard Creatura
16 United States Magistrate Judge